

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

Thomas J. Zivic
Carole M. Zivic

Case No. 8:12-bk-00525-KRM
Chapter 13

Debtor(s)
_____ /

**ORDER GRANTING DEBTORS' MOTION TO
DETERMINE SECURED STATUS OF FIRST BANK AND TO STRIP LIEN
EFFECTIVE UPON DISCHARGE**

THIS CASE came on for consideration of the Debtors' Motion Determine Secured Status of First Bank and to Strip Lien and Request for Attorney Fees (Doc. No. 31) (the "Motion") pursuant to the negative notice provisions of Local Rule 2002-4. Having considered the Motion and the absence of any record objection to the relief requested in the Motion by any party in interest, the Court deems the Motion to be uncontested. If First Bank has not timely filed a proof of claim in this case, the Motion is not deemed to be an informal proof of claim except for the purpose of initiating the Debtors' ability to request relief pursuant to 11 U.S.C. Section 506(a).

The real property (the "Real Property") that is the subject of the Motion is located at 3014 River Woods Drive, Parrish, FL 34219, and more particularly described as follows:
Lot 39, RIVER WOODS, PHASE 1, according to the plat thereof, as recorded in Plat Book 28, Pages 64 through 68, of the Public Records of Manatee County, Florida.

Accordingly, it is hereby

ORDERED:

1. The Motion is GRANTED;
2. If First Bank timely filed a proof of claim, the claim shall be treated as an unsecured claim in this Chapter 13 Case.
3. The mortgage on the Real Property held by First Bank recorded on January 25, 2006, at Book 2096, Page 6678, Instrument No. 2263691 of the official records of Manatee County, Florida, shall be deemed void, and shall be extinguished automatically, without further court order, upon the recordation in the public records of a certified copy of this Order together

with (a) a certified copy of Debtor's Chapter 13 discharge order in this case or (b) such other paper as the Court may specify by separate order. However, the Court reserves jurisdiction to consider, if appropriate, the avoidance of First Bank's mortgage lien prior to entry of the Debtors' discharge.

4. This order does not prohibit First Bank from asserting, at any time prior entry of the Debtors' discharge, any rights it may have as a defendant in any foreclosure proceeding brought by a senior mortgagee, including the right to claim excess proceeds from any foreclosure sale.

5. Attorney fees in the amount of \$350.00 are awarded to Timothy M. Grogan; said fees to be paid through the Plan.

DONE and ORDERED in Chambers at Tampa, Florida , on _____.

K. Rodney May
United States Bankruptcy Judge